IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R.No.632 of 1999
Date of Decision: 18.10.2006

Zamil Ahmed alias Balbir Ahmad.

..... Petitioner.

Versus

Darshan Singh and others.

..... Respondents.

CORAM: Hon'ble Mr.Justice Mahesh Grover

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Present: Shri Shailender Sharma, Advocate for the petitioner.
Shri Arvind Singh, Advocate for the respondents.

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Mahesh Grover,J.

The present revision petition by the tenant is directed against judgment dated 3.11.1998 of the Appellate Authority, Kurukshetra by which the petitioner had been evicted from the premises in question.

The sole ground for eviction taken by the landlord-respondents was that the petitioner, who was inducted as tenant on the demised premises by their mother-Smt.Veeran Bai at a monthly rent of Rs.500/- per month, had defaulted in payment of rent with effect from 1.10.1992.

The petitioner had disputed the rate of rent and had claimed that the tenancy was at the rate of Rs.400/- per month. That apart, it was

pleaded that there was no relationship of tenant and lordlord existing between the petitioner and the respondents. It was asserted that Smt.Veeran Bai was the landlord and she had executed a Will in favour of one Preeti and the respondents had no concern with the demised premises.

The Rent Controller, Kurukshetra had dismissed the eviction petition preferred by the respondents vide judgment dated 16.10.1996 which resulted in appeal by them. The Appellate Authority accepted the same vide its judgment dated 3.11.1998 and directed the petitioner to hand over the vacant possession of the demise premises to the respondents. Three month's time was granted to the petitioner to comply with the aforesaid direction.

It was contended by Shri Shailender Sharma, learned counsel for the petitioner that there was no relationship of tenant and landlord between the parties as the original landlady was Smt. Veeran Bai under whom the tenancy began and she had bequeathed the demised premises to aforesaid Preeti. He further contended that the rent was paid to Preeti, who is owner of the demised premises after the death of Smt.Veeran Bai. Learned counsel urged that the rent had been collected by Kuldeep Kaur, who is mother of Preeti and daughter of Smt.Veeran Bai. On the strength of the above contentions, Shri Sharma argued that there was no default in payment of rent and the respondents had no locus standi to file the eviction petition.

Shri Arvind Singh, learned counsel for the respondents controverted the contentions/ arguments raised by the learned counsel for the petitioner.

Having heard learned counsel for the parties and perused the record, I am of the considered view that the revision petition deserves to be

dismissed. A scrutiny of the record shows that the petitioner had taken up a plea in the written statement that he was the tenant under one Amarjit Singh to whom he was paying the rent, but during the course of trial, he took up a separate plea that Smt.Veeran Bai had executed a Will in favour of Preeti. No such Will was produced by the petitioner. The respondents, who are undisputedly, children of Smt. Veeran Bai, are the natural successors of the deceased landlady and the petitioner would automatically become tenant under them. The payment of rent for the period 1.10.1992 till the filing of the eviction petition, has not been proved by the petitioner. In that eventuality, there is no reason to interfere in the well reasoned judgement of the Appellate Authority.

In the result, the revision petition fails and is dismissed.

October 18,2006 (Mahesh Grover)
"SCM" Judge